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Error to Circuit Court, Mecklenburg County.

Petition by Margaret Radcliffe Gooch against Annie W. Suhor to set aside marriage contract and secure appointment as administratrix. From an adverse order, petitioner brings error. Affirmed.

Buford & Peterson, of Lawrenceville, *C. T. Baskerville*, of Boydton, and *S. E. Williams*, of Lexington, N. C., for plaintiff in error.

S. S. P. Patteson and *H. M. Smith, Jr.*, both of Richmond, for defendant in error.

GOOCH v. OLD DOMINION TRUST CO. et al.

June 14, 1917.

[92 S. E. 846.]

1. Equity (§ 22*)—Administration of Estate.—The curator of an estate had a right to invoke the assistance of a court of equity in the administration of the estate where there was doubt as to what the law was and what its conduct should be under the law to preserve the estate pending litigation for those to whom it should be ultimately determined that it rightfully belonged.

[Ed. Note.—For other cases, see Equity, Cent. Dig. §§ 51-62.* 5 Va.-W. Va. Enc. Dig. 698.]

2. Supersedeas (§ 8*)—Violation—Suit by Curator.—A suit brought by the curator of an estate to secure instructions as to its duties was not violative of a supersedeas order in a proceeding involving the estate, where the object was to preserve the property of the estate pending litigation for whomsoever should ultimately be adjudged the rightful owner.

[Ed. Note.—For other cases, see Supersedeas, Cent. Dig. § 8.* 1 Va.-W. Va. Enc. Dig. 527.]

Appeal from Circuit Court, Mecklenburg County.

Suit by the Old Dominion Trust Company, as curator of the estate of W. H. Gooch, deceased, against Margaret Radcliffe Gooch and others. From decree for plaintiff, the defendant named appeals. Affirmed.

Buford & Peterson, of Lawrenceville, *S. E. Williams*, of Lexington, N. C., and *C. T. Baskerville*, of Boydton, for appellant.

S. S. P. Patteson and *H. M. Smith, Jr.*, both of Richmond, for appellees.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.